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## Articles to Come in October

Articles for the following committees whose meetings in August were held after the deadline for this issue of *The Interim* will be available in the October issue:

- Children, Families, Health, and Human Services Interim Committee.
- Commission on Sentencing.
- Economic Affairs Interim Committee.
- Legislative Council.
- School Funding Interim Commission.
- State-Tribal Relations Interim Committee.
- Water Policy Interim Committee.

## Save the Dates! Caucus and Orientation for Session

The 2016 dates related to preparation for the 2017 legislative session are as follows:

- Caucuses — Monday, Nov. 14 (morning).
- Training and orientation — Monday, Nov. 14 (afternoon) through Wednesday, Nov. 16.
- Rules committees — Wednesday, Dec. 7 (morning).
- Presiding officer training — Wednesday, Dec. 7 (afternoon).
- Budget training, 2019 Biennium Budget review, and other topics — Thursday, Dec. 8.

The first day of the 2017 session is Monday, Jan. 2, 2017. The House and the Senate will each convene at noon.

The tentative session calendar may be found online at the [2017 session web page](#).

## Final Meeting for the Education and Local Government Committee

The Education and Local Government Interim Committee will hold its final meeting of the 2015-2016 interim in early September. The committee will wrap up its work on two studies it was assigned dealing with county road easements on state trust land and local fire and emergency services. The committee will also complete the projects and monitoring activities identified in its interim work plan.

## A Full Day's Agenda

Specific agenda items include a report from the State Historic Preservation Office and the State Historic Preservation Review Board on the maintenance of state heritage properties and a report from the Montana Library Association on state aid funding. The Office of Public Instruction will discuss its reports on the activities of the Interstate Compact on Educational Opportunity for Military Children and on the American Indian achievement gap. OPI is statutorily required to complete these reports and

submit them to the Legislature. Agency staff will also update the committee on state implementation of the federal Every Student Succeeds Act.

During the afternoon, members of the Energy and Telecommunications Interim Committee will join the committee for a presentation on the EducationSuperhighway, a nationwide effort to upgrade Internet access in public school classrooms.

## Next Meeting

The committee will hold its final meeting at 8:30 a.m. on Sept. 8 in Room 102 of the Capitol in Helena. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Leanne Kurtz, committee staff.

Committee Website: [www.leg.mt.gov/elgic](http://www.leg.mt.gov/elgic)

Committee Staff: [lekurtz@mt.gov](mailto:lekurtz@mt.gov) or 406-444-3593

## ETIC Wraps Up With Focus on Legislative Proposals

The Energy and Telecommunications Interim Committee will wrap up its interim during a meeting on Sept. 8-9 and will decide whether to bring legislation before the 2017 Legislature addressing the closure of two coal-fired generating units in Colstrip, revising net metering laws in Montana, changing renewable energy credit reporting requirements, and updating the state's 9-1-1 laws.

The draft legislation has been posted on the committee's website and open for public comment since July 25. The proposals have garnered hundreds of public comments in the form of e-mails to the committee, which are also posted on the website.

## Colstrip

In July, the owners of the four-unit Colstrip Generating Station — a coal-fired generating facility with a combined peak output of 2,094 megawatts — and environmental groups reached a settlement agreeing that Colstrip's oldest units, Units 1 and 2, will shut down by 2022 at the latest. The settlement also requires changes in operations at Units 3 and 4.

During a meeting on July 14-15, the committee requested legislation to help the state of Montana plan for the pending partial closure of the facilities. Staff was directed to work with committee member Sen. Duane Ankney (R-Colstrip) on the proposals. The result was the development of seven bill drafts for the committee's consideration:

- [LC COL1](#) – Appropriate money to allow Montana to participate in proceedings before out-of-state utility commissions that address planning for the future of coal-fired generation facilities located in Montana.

- [LC COL2](#) – Establish the Coal-Fired Generating Unit Decommissioning and Remediation Act and provide requirements for submission, review, modification, and approval of a decommissioning and remediation plan for a coal-fired generating unit and affected property.
- [LC COL3](#) – Establish the Treasure State Restore and Rebuild Act by appropriating \$50 million from the coal severance tax permanent fund to the Department of Commerce to provide grants to entities (local governments, schools, and so forth) impacted by the closure of a natural resource business.
- [LC COL4](#) – Increase the electrical energy producer's license tax from \$.0002 to \$.00029 for the next 25 years to generate \$50 million, and require that the increase be deposited in the coal severance tax permanent fund.
- [LC COL5](#) – Establish the Montana Energy Accountability Act and require an electrical company, wholesale exempt generator, or public utility that retires a coal-fired generating unit to pay a coal-county impact fee for 10 years following closure of the unit. The money is provided to entities (local governments, schools, and so forth) impacted by the closure of the unit.
- [LC COL6](#) – Establish a benefits and retirement security task force in the Governor's Office.
- [LC COL7](#) – Allow Universal System Benefits money to be used by large electricity customers to assist with transitioning energy markets.

## Net Metering

The committee will review five bill drafts related to updating portions of Montana's framework for net metering. Three of the drafts focus on interconnection requirements and metering technology, and the other two focus on broader net metering policy issues. These five bills are as follows:

- [LC NET1](#) – Require Public Service Commission (PSC) review of interconnection requirements for net metering.
- [LC NET2](#) – Eliminate the electrical licensing exemption for grid-tied generators, including net-metered systems.
- [LC NET3](#) – Update the PSC's role in reviewing net metering technologies and standards.
- [LC NET4](#) – Require the PSC to review net metering rates under certain circumstances and update related rates and tariffs. Existing net-metered customers are grandfathered into existing rates.
- [LC NET5](#) – Increase the net metering cap from 50 kilowatts (kW) to 250 kW for tax-exempt properties.

The committee has been examining net metering based on its assignment as outlined in Senate Joint Resolution 12 (2015).

The committee's final report is [Net Metering in Montana: A Report to the 65th Legislature](#).

## Next-Generation 9-1-1

Members also continue to discuss draft legislation and a report concerning next-generation 9-1-1 (NG911). As guided by House Joint Resolution 7 (2015), the committee is reviewing next-generation 9-1-1. Early in the interim, the committee asked stakeholders to work on NG911 and to provide recommendations on planning for and implementing NG911.

Stakeholders, along with an advisory council formed by the governor, provided recommendations on how to update Montana's 9-1-1 laws and use NG911 to enhance public safety in Montana. The committee agreed in July to adjust a proposed 9-1-1 funding formula so that it is more equitable to larger public safety answering points. The information out for public comment includes the following:

- [LC N911](#) (a bill draft to revise 9-1-1 laws).
- [Next-Generation 9-1-1: Montana's Efforts to Move Forward](#) (a draft report).

## Renewable Energy Credit Reporting

In July, the committee requested draft legislation to eliminate renewable energy credit (REC) reporting and to further review the issue next interim. The current law requires public utilities, electric cooperatives, competitive electricity suppliers, and owners of a renewable electrical generation facility to file a report with the committee each interim concerning the purchase or sale of RECs in Montana. Although intended to generate useful information, the REC reports have not been fully utilized by renewable generators or by utilities in Montana. To date they have provided little useful information to the committee.

The bill drafts requested by the committee include the following:

- [LC REC1](#) – Repeal renewable energy credit reporting requirements.
- [LC REC2](#) – Request an interim study of renewable energy credits in Montana.

## Next Meeting

The committee's last meeting of the interim will be on Sept. 8-9 in Room 172 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, visit the committee's website or contact Sonja Nowakowski, committee staff.

Committee Website: [www.leg.mt.gov/etic](http://www.leg.mt.gov/etic)

Committee Staff: [snowakowski@mt.gov](mailto:snowakowski@mt.gov) or 406-444-3078

## EQC to Take Final Action

At its final meeting in September, the Environmental Quality Council will hear legislative proposals for the 2017 session from three natural resource agencies as well as updates on bison management, the closure of the Yellowstone River to recreation, and groundwater cleanup at Colstrip.

## Agency Bill Proposals

The Department of Natural Resources and Conservation is proposing four bills for the 2017 session to do the following:

- Increase to 2 million board feet the amount of timber the DNRC can harvest on state land with limited access when permission is granted by an adjacent landowner and there is only one potential buyer with legal access.
- Clean up moot conservation district statutes.
- Clarify conservation district supervisor terms and when an oath of office must be signed.
- Modify commercial leasing rental provisions to clarify valuation processes and allow for extended option to lease periods.

The Department of Environmental Quality is proposing changes to the Major Facility Siting Act as it relates to evaluating pipelines and electric transmission lines. The changes contemplate additional consultation with the applicant and public notice.

The Department of Fish, Wildlife and Parks is also scheduled to discuss its 2017 legislative priorities.

## Agency Updates

FWP will update the council on plans for bison management and brucellosis. The agency also will provide an update on the status of the Yellowstone River, which was closed to recreation in August because thousands of fish were killed by a parasite.

DEQ will discuss the continued cleanup of ground water contamination at the Colstrip power plants as it relates to a recent lawsuit settlement between plant owners and environmental groups.

## HJR 13: Study of Access and Game Harvest

The council will take final action on its House Joint Resolution 13 (2015) study of federal roads, parcels of public land with no public access, and harvest rates for elk and deer. The council assembled an immense amount of information previously unavailable in one place as part of the study. The council heard from a variety of experts as well as numerous members of the public. The council also toured Forest Service and Bureau of Land Management roads and lands around Helena to see road and access issues firsthand.

## Next Meeting

The council will convene for its final meeting of the interim on Sept. 14-15 in Room 317 of the Capitol in Helena at a time to be determined. For more information on the council's activities and upcoming meeting, please visit the council's website or contact Joe Kolman, council staff.

Council Website: [www.leg.mt.gov/ecq](http://www.leg.mt.gov/ecq)

Council Staff: [jkolman@mt.gov](mailto:jkolman@mt.gov) or (406) 444-3747

## Judicial Redistricting Commission Conducts Final Meeting

The Judicial Redistricting Commission met for the final time this interim on Aug. 16. At the meeting, the commissioners discussed, revised, and adopted a final report to the 2017 Legislature.

In the final report, the commissioners summarized their final results as follows: "The commission voted against recommending any of the six redistricting proposals to the 2017 Legislature and determined that redistricting is not necessary and not the appropriate way to address the need for additional judges."

The final report is now available online at the commission's website. Audio and video recordings of each meeting, as well as agendas, meeting materials, summary minutes, and maps, are also available at the website.

Commission Website: [www.leg.mt.gov/jrc](http://www.leg.mt.gov/jrc)

Commission Staff: Rachel Weiss, [rweiss@mt.gov](mailto:rweiss@mt.gov) or 406-444-5367

## Law and Justice Interim Committee Finalizes Recommendations

The Law and Justice Interim Committee met in mid-August for its final meeting of the interim. After being introduced to the Office of the State Public Defender's recently hired chief administrator, Scott Cruse, the committee turned its attention to the topic that it devoted the bulk of its time and attention to this interim: the Senate Joint Resolution 24 (2015) study of sexual assault in Montana.

A legislative staff attorney reviewed a recent Montana Supreme Court ruling in an appeal from a criminal case involving the state's incest law. After the review, the committee voted to request a committee bill to provide that consent is not a defense available to a defendant in a case in which the other person involved is over 16 years of age but not yet 18.

The committee then reviewed six draft bills it had been considering and revising for several meetings. After public

comment and discussion, the committee voted to forward all six bills to the 2017 Legislature.

Final committee bills for the Law and Justice Interim Committee would do the following:

- Revise incest laws.
- Revise laws related to sexual crimes, including revising a definition of consent and creating an aggravated sexual intercourse without consent crime.
- Revise laws related to privacy in communications.
- Revise laws regarding sexual intercourse without consent, including revisions to mandatory minimum sentences and registration requirements in certain "statutory rape" cases.
- Revise laws related to criminal statutes of limitations for victims of sex crimes who are under the age of 18 at the time of the crime.
- Revise laws related to when a juvenile offender must register as a sex offender.
- Revise laws related to sexual assault and the termination of parental rights.

## For More Information

For more information on the committee's activities, please visit the committee's website or contact Rachel Weiss, committee staff.

Committee Website: [www.leg.mt.gov/ljic](http://www.leg.mt.gov/ljic)

Committee Staff: [rweiss@mt.gov](mailto:rweiss@mt.gov) or 406-444-5367

## Legislative Audit Committee to Meet in October

The Legislative Audit Committee will meet at 10 a.m. (time subject to change) on Oct. 6 in Room 172 of the Capitol in Helena. For more information on the committee's upcoming meeting, please visit the Legislative Audit Division's website or contact Angus Maciver, Legislative Auditor.

Division Website: <http://leg.mt.gov/audit>

Legislative Auditor: 406-444-3200

## Legislative Finance Committee to Meet in Late September

The Legislative Finance Committee will hold its quarterly meeting in late September to hear reports on the fiscal year-end budget status, legislative budget policy choices, and other topics. All handouts given at this meeting will be available on the committee's website at [www.leg.mt.gov/lfc](http://www.leg.mt.gov/lfc).



## Fiscal Year-End Budget Status Report

The Legislative Fiscal Division (LFD) staff will present the budget status report, which analyzes changes to departmental budgets and expenditures through fiscal year 2016. The report also includes a summary of program transfers, reorganizations, operational plan changes, budget amendments, statutory appropriations, and carry forward appropriations.

## Budget Policy Report

LFD staff will present the following items for the committee's discussion of legislative budget policy choices:

- The 2019 Biennium Base Budget.
- A budget analysis mock-up for regular agency analysis.
- Budget analysis examples for agencies largely budgeted on a one-time-only basis.
- Follow-up on questions related to long-term policy on zero-based budgeting.

## Other Presentations and Reports

Other items scheduled for the September meeting include the following presentations and reports:

- The Medicaid Monitoring Report will be given by Scot Conrady of the LFD.
- A follow-up to discussion on the Child and Family Services Division of the Department of Public Health and Human Services will be provided.
- Quinn Holzer of the LFD will present an update on the Montana HELP Act, Medicaid expansion, and the HELP Link.
- The governor's budget director, Dan Villa, has been invited to give a budget update.
- State Information Technology Division staff will report on IT portfolio changes, chief information officer policy change, Medicaid Management Information System final costs and next steps, and IT budget policy recommendations.
- Cathy Duncan and Joe Triem of the LFD will provide an update on state infrastructure and Senate Bill 79 (2015).
- LFD staff will present an update on the continued study of statutory appropriations.
- Sheri Scurr, Legislative Services Division research analyst, will present a report on the recommendations of the Task Force on State Public Defender Operations.
- Marilyn Bartlett of the Department of Administration and Connie Welsh of the Montana University System will present an update on state employee and Montana University System employee health insurance.

- Pad McCracken, Legislative Services Division research analyst, will give an update on the School Funding Interim Commission.
- LFD staff will present a report on managing financial volatility.

During the committee business section of the agenda, the committee will review dates for future meetings and the 2019 biennium budget.

## Next Meeting

The committee will hold its quarterly meeting on Sept. 29-30 in Room 102 of the Capitol in Helena at a time to be determined. For more information on the committee's activities and upcoming meeting, please visit the committee's website or call the Legislative Fiscal Division.

Committee Website: [www.leg.mt.gov/lfc](http://www.leg.mt.gov/lfc)

Committee Staff: [acarlson@mt.gov](mailto:acarlson@mt.gov) or 406-444-2986

## Legislative Library: Observations From the NCSL Summit

This year's National Conference for State Legislatures (NCSL) Summit was held in Chicago, with many Montana legislators and legislative staff in attendance. The summit offered a wide variety of programs covering numerous topics. The following staff attended:

- Amy Carlson, legislative fiscal analyst and director, Legislative Fiscal Division.
- Sonia Gavin, legislative librarian, Legislative Services Division.
- Quinn Holzer, operations manager, Legislative Fiscal Division.
- Pad McCracken, research analyst, Legislative Services Division.
- Megan Moore, research analyst, Legislative Services Division.
- Sonja Nowakowski, research analyst, Legislative Services Division.
- K'Lynn Sloan Harris, audio/video coordinator, Legislative Services Division.
- Joe Triem, fiscal manager, Legislative Fiscal Division.

This article from the Legislative Library presents observations by some of the staff attendees.

## Energy (Sonja Nowakowski)

The NCSL Summit provided a great mix of policy overviews and professional development. The energy policy summit was packed with information about the Environmental Protection Agency's Clean Power Plan and how policymakers and regulators in other states are approaching energy decisions as this major policy issue remains tied up in federal courts. Information about the electric vehicle revolution was fascinating. The Montana Legislature may want to buckle up for some lively policy discussions as more plug-in electric vehicle models take to the roads and the demand for infrastructure and charging stations in rural areas increases.

## Professional Development (Sonja Nowakowski)

On the professional development front, a legislative oversight boot camp offered a fabulous discussion about approaching legislative investigations, studies, and oversight. The speakers provided new approaches and organizational tools in tackling legislative oversight assignments. The information could easily be applied to how researchers and attorneys approach interim assignments and ongoing agency oversight.

Information was provided about developing an investigative (or interim) plan, with tips for focusing an inquiry, developing factual questions and policy issues to tackle throughout the investigation, engaging partners, and making document requests to advance a study. The program also provided an outline in terms of planning investigative (or interim) reports. The outline may be a useful tool to researchers and attorneys not only in final reports but also in preparing study resolutions and work plans for interim assignments.

The Levin Center at Wayne State University Law School provided the workshop. Elise Bean, codirector of the center, was outstanding. In 2013 and 2011, the *Washingtonian* magazine named her one of Washington D.C.'s 100 most powerful women. In 2010, she was selected by the *National Law Journal* as one of Washington's most influential women lawyers. "Critics scoff that Washington is incapable of in-depth, bipartisan, fact-based investigations, but our track record proves otherwise," according to Carl Levin and information on the program. The Levin Center provides additional training opportunities, including stipends. To learn more, visit: <http://law.wayne.edu/levin-center>.

## Taxation (Megan Moore)

A preconference meeting of the Task Force on State and Local Taxation offered presentations of particular interest about changes in the federal tax treatment of partnerships and the need for state conforming legislation, how state policies affect local property taxes, and updates from members of the task force. A session was also offered on designing a tax system for the 21st century in which economists offered their recommendations for improving state tax systems. The Deep

Dive sessions were interesting and interactive. The Deep Dive: Ted Talks offered good tips for presenting complex information, while the Deep Dive on the future of roadways provided information about the intersection of technology (such as autonomous vehicles), infrastructure, and funding.

## Education (Pad McCracken)

### Every Student Succeeds Act

There was quite a bit of discussion about the Every Student Succeeds Act (ESSA) and especially on state efforts to formulate new accountability plans — basically determining how a state will measure successful and failing schools. Every state is working on this currently, and while there are some requirements in the law (and potentially others coming in federal regulations) there is quite a bit of flexibility for states in devising these accountability systems. There was a lot of talk about what an incredible opportunity for innovation ESSA provides, but as one speaker stated, "ESSA is also an incredible opportunity to keep doing the same things in education that we've been doing."

### Teacher Shortages

A panel discussion on teacher shortages covered a lot of the same ground as Montana's School Funding Interim Commission's examination of issues. One theme from the panel (which was repeated in the international study group report) was that the teaching day needed to be restructured to provide teachers with more time for preparation, grading, and collaboration. The thinking was that improving the working environment would boost achievement and result in fewer teachers exiting the profession. A legislator from South Dakota described South Dakota's recent efforts to raise teacher salaries through a half-cent sales tax increase that also allowed for some property tax reductions.

### International Study Group Report

The big moment at NCSL related to education was the release of the final report from a two-year international study group's examination of education systems in high-achieving countries. The report is titled [\*No Time to Lose: How to Build a World-Class Education System State by State\*](#). A few hard copies of the report are available by contacting Pad McCracken at the Legislative Services Division office in Room 110 of the Capitol in Helena.

The international study group report identified four elements common to education in each of the high-achieving countries:

- Children come to school ready to learn, and extra support is given to struggling students so that all have the opportunity to achieve high standards.

- World-class teaching professionals support a world-class instructional system, in which each student has access to highly effective teachers and is expected to succeed.
- A highly effective, intellectually rigorous system of career and technical education is available to those preferring an applied education.
- Individual reforms are connected and aligned as parts of a clearly planned and carefully designed comprehensive system.

A follow-up Deep Dive session encouraged interested states to conduct their own explorations along the lines of the study group. Alberta generally (and Edmonton specifically) was mentioned as having an exemplary education system.

### Personalized Learning

Panelists described schools that are designed to allow students to have more agency over their education trajectories, including choice in content and greater freedom in terms of pace. There was discussion of nurturing a “learning lifestyle” and utilizing community resources (museums, libraries, 4H, etc.) and online resources to create “learning ecosystems.” This was another recurring theme between sessions: to end classroom isolation and make education a “public activity” and a “team sport.”

### **Committee Service and Awards**

Montana’s Rep. Ellie Boldman Hill (D-Missoula) was selected to serve on the Executive Committee and Sonia Gavin was appointed to her second term on the committee. Sonia also wrapped up her leadership role as immediate past chair of the Legislative Librarians Staff Section, having served as chair for the 2014 conference year. Gavin also received the Legislative Staff Achievement award for her staff section.

### **For More Information**

More information about the 2016 NCSL Summit is available at [www.ncsl.org](http://www.ncsl.org).

## **RTIC to Consider Possible Committee Legislation**

During the next Revenue and Transportation Interim Committee meeting on Sept. 7-8, the committee will review requested bill drafts and decide whether to request the drafts as committee bills. The committee will also have agenda items devoted to its agency monitoring and revenue-estimating duties.

### **Study-Related Bill Drafts**

Five of the committee studies resulted in requests for draft bills. The committee will review those drafts, receive public comment on the drafts, and decide whether to request them as committee bills for introduction during the 2017 legislative session. The bill drafts are summarized in this article and are available on the committee’s website. Comments on the bill drafts may be made during the September meeting or may be directed to committee staff.

### Tax Increment Financing Districts

The drafts prepared for the tax increment financing districts study include bills to do the following:

- Require county and school district approval before a city authorizes a tax increment financing provision.
- Exempt the 95 mills for school equalization from the tax increment calculation if the increment is not needed to pay for bonds.
- Disallow the inclusion of certain levies from the tax increment calculation.
- Revise laws related to the receipt of tax increment funds by private property owners.
- Require annual reporting of district activities.
- Require remittances to be made to all affected taxing jurisdictions.

### Elderly Homeowner/Renter Credit

The draft bill resulting from the elderly homeowner/renter credit study would allow the elderly homeowner/renter credit to be claimed on property not subject to property taxes.

### Highway State Special Revenue Account

The committee requested two draft bills resulting from the study of the highway state special revenue account. One bill draft clarifies constitutional provisions limiting the uses of highway revenue, and the other limits access to fuel pumps that dispense dyed diesel to authorized users.

### Property Taxable Value Neutrality

The bill drafts related to the property taxable value neutrality study focus on the valuation of agricultural property. The committee will review drafts to do the following:

- Value one acre of land under a residence as Class 4 residential property (thus eliminating valuation at the highest productive value for land under a residence on agricultural land).

- Eliminate the nonqualified agricultural property designation.
- Remove automatic agricultural classification for parcels of property of 160 acres or more.
- Revise the gross income threshold required for agricultural classification for parcels of less than 160 acres.
- Require a parcel to be at least one acre to be eligible for agricultural land valuation.

### Tax Liens and Tax Deeds

The committee will review a bill draft that incorporates the recommendations of a working group tasked with revising the tax lien and tax deed process. The draft includes a number of revisions to simplify the process and to clarify notification and notice requirements. However, the main revision is to eliminate the tax lien sale and instead require the county to hold the lien until subsequent assignment to a third-party purchaser. The committee will also review a draft in response to its request that the working group provide a recommendation to address a situation in which more than one person seeks the assignment of a tax lien.

### **Other Bill Drafts**

The committee will also review three other bill drafts to do the following:

- Fix errors contained in the two-year property reappraisal bill that became law in 2015.
- Repeal the refundable income tax credit relief multiple.
- Provide for primary enforcement of the seatbelt law.

### **Revenue Estimating and Monitoring**

The September meeting is the committee's final meeting before adopting a revenue estimate in November. Legislative Fiscal Division staff will present a fiscal year-end 2016 revenue report and a report on managing financial volatility. The committee will also receive requested presentations on labor industry earnings by sector, individual income tax withholding, and corporate income tax refunds.

### **Agency Monitoring**

Also during the September meeting, the Department of Revenue, the Department of Transportation, and the Montana Tax Appeal Board will update the committee on agency activities. The Department of Revenue update will include the presentation of five required reports on the following:

- Taxpayers claiming the qualified endowment tax credit.
- The public listing of tax-exempt property required by House Bill 389 (2015).

- The use of property tax abatements for gray water systems.
- Student scholarship organizations receiving contributions from taxpayers granted tax credits.
- Taxpayers claiming the biodiesel blending and storage credit.

### **Next Meeting**

The committee will hold its final meeting on September 7-8 in Room 317 of the Capitol in Helena. The meeting will include opportunities for public comments on the committee's draft legislation. For more information on the committee's activities and upcoming meeting, please visit the committee's website or contact Megan Moore, committee staff.

Committee Website: [www.leg.mt.gov/rtic](http://www.leg.mt.gov/rtic)

Committee Staff: [memoore@mt.gov](mailto:memoore@mt.gov) or 406-444-4496

### **Veteran Suicide Prevention Tops Agenda for State Administration Committee**

At its Aug. 23 meeting, the State Administration and Veterans' Affairs Interim Committee heard from stakeholders from across Montana, including American Indian representatives, about Montana's high rate of veteran suicides and considered recommendations to promote intervention and prevention efforts.

The committee requested several bill drafts aimed at enhancing suicide prevention efforts. In other action, the committee authorized agency bill draft proposals, approved a committee bill to fix statutory language on the funding required for local fire relief association disability and pensions funds, and adopted an amended draft of the committee's election law cleanup bill.

### **Veteran Suicide Prevention**

According to the 2016 Montana Suicide Mortality Review Team report, in 2014 Montana had the highest rate of suicide in the United States and has been in the top five states in the nation for suicides for the past 40 years. There were 555 suicides in Montana between Jan. 1, 2014, and March 1, 2016, of which 121 were by military veterans. For 2014 and 2015, the highest rate of suicide in Montana was among American Indians.

The committee learned about the Joining Community Forces (JCF) toolkit for how to establish local coalitions of service providers for active military personnel, veterans, and their families. The key service areas or pillars of JCF coalitions are the following:



- behavioral/physical health services
- family/youth services
- education/career services
- faith-based services
- financial wellness services
- legal services

The committee heard from Mary Lynne Billy-Old Coyote, director of the Department of Public Health and Human Services' newly established Office of American Indian Health, which is the first state public health office of its kind in the nation. Billy-Old Coyote briefed the committee on her office and activities, which encompass all Indian health service needs.

The committee was also briefed on the DPHHS Network of Care website, which offers a directory of services for military personnel, veterans, and their families and is maintained by a third-party contractor under grant funding that will be ending.

Representatives from the offices of each member of Montana's congressional delegation presented information on efforts at the federal level to improve services for veterans and their families. The committee also heard from the Montana National Guard about its three-phase campaign to raise awareness about suicide prevention programs and encourage service members to reach out for help when feeling overwhelmed.

Stakeholders on a panel of presenters offered recommendations about what the Legislature could do to help intervention and prevention efforts. The discussion highlighted the recommendations contained in the 2016 Montana Suicide Mortality Review Team report, which included, among other recommendations:

- Mandatory suicide prevention training and suicide risk assessment training for primary care providers.
- Enhancing the availability of telepsychiatry.
- State financial support in the development of integrated behavioral health to support primary care and provide best practices for addressing depression.
- School prevention and intervention programs.
- Standardized training and reporting for state coroners.
- Continued support to crisis lines and crisis response teams and crisis intervention training for law enforcement.
- Adding a state American Indian suicide prevention coordinator to the currently one-person staff of the state's suicide prevention office.

- Renewal of the statutes (which terminated on June 30, 2016) that established the Montana Suicide Mortality Review Team and statutory updates that would enhance data collection and sharing from tribes, hospitals, and universities.

Panelists also recommended a statewide campaign to help normalize conversations about mental health and acknowledge that everyone struggles with stress and that we should talk about depression and anxiety just as we would talk about any physical disease or disability.

During its work session, the committee voted to request three bill drafts to do the following:

- Support a statewide universal suicide prevention campaign (i.e., a campaign aimed at all demographic groups) with the goal of normalizing our perception of mental health issues and that would use digital technologies.
- Provide state funding for a grant program to help foster local American Indian and veteran suicide prevention efforts.
- Require that primary care physicians receive suicide prevention and risk assessment training.

Staff will be working with committee members to flesh out the details of these bills. The committee will hold public hearings and take final action on the bills at the committee's final meeting on Nov. 17.

## **HJR 21: Study of Personal Information Ownership**

Committee members agreed to send staff concepts for drafting a final recommendation statement for the final report on the importance of ensuring people have more control over the collection and use of their electronically collected personal information. At the committee's June meeting, a bill draft to require websites collecting personal information on Montana residents to post online privacy policies failed to garner enough votes to move forward as a committee bill.

## **Election Law Cleanup**

The committee approved a committee bill to revise various statutes related to election administration. The bill would do the following:

- Clarify when an election requested by petition concerning a local government ordinance must be held.
- Revise notice requirements related to resort tax elections.
- Clarify the deadline for write-in candidates in local government and special purpose district elections.

- Revise the deadlines by which absentee and mail ballots must be available for voting absentee in person before the election.
- Clarify the deadline for the cancellation of a conservation district election.
- Clarify that county election administrators rather than school clerks perform voter registration duties for school elections.
- Clarify the transition of terms of office for special district officers elected before the special purpose district elections were moved from being held in November to being held on the same day as school elections in May.

### **Fire Relief Association Disability and Pension Funds**

The committee learned that a bill enacted in 2015 changed the meaning of “assessed value” with respect to taxable property within a local jurisdiction and that this change caused an unintended consequence for local fire relief association disability and pension funds. A statute requiring that the minimum amount of money required to be kept in these local funds based on assessed value was now much higher than necessary and not feasible for the cities and towns to fund. Thus, the committee approved a committee bill to change the terminology of the statute so the minimum funding requirement would no longer be tied to assessed value but would be based on the amount of benefits paid from the fund in the previous year.

### **Agency Bill Draft Proposals**

As part of its statutory requirement to review and consider authorizing the drafting of agency bill requests, the committee voted to approve all of the bill draft proposals presented by the following agencies:

- Department of Administration
- Secretary of State
- Commissioner of Political Practices
- Public Employees’ Retirement Board
- Teachers’ Retirement Board

Lists of these bill proposals are available on the committee’s website (click “August 23” and then look under the “Agency Bill Requests” heading).

### **Next Meeting**

The committee will hold its final meeting on Nov. 17 at the Capitol in Helena at a time to be determined. For more information on the committee’s activities and upcoming meeting, please visit the committee’s website or contact Sheri Scurr, committee staff.

Committee Website: <http://leg.mt.gov/sava>

Committee Staff: [sscurr@mt.gov](mailto:sscurr@mt.gov) or 406-444-3596

### **Public Defender Task Force to Finalize Bills**

The Task Force on State Public Defender Operations will conduct its final meeting in September to take final action on 11 bill drafts requested at its May meeting. The bills requested for further consideration and final action in September are as follows:

- LCpd01 – Create a director position to supervise the chief public defender, the appellate defender, and the conflict coordinator. The director would be appointed by the governor. The bill would also convert the Public Defender Commission to an advisory body. A secondary bill was drafted by request of the task force’s presiding officer, Rep. Kimberly Dudik (D-Missoula), to provide that the director of the Department of Administration rather than the governor would appoint the Office of the State Public Defender director.
- LCpd02 – Establish a chief administrator position in line with the organizational structure of the Public Defender Commission’s recommended organizational structure as outlined in its draft strategic plan.
- LCpd03 – Transfer determination of eligibility for a public defender from the OPD to the presiding court. The bill would include language about ensuring consistent statewide standards for determining eligibility.
- LCpd04 – Transfer determination of eligibility for a public defender from the OPD to the Department of Public Health and Human Services. The bill would also include language about ensuring consistency statewide for determining eligibility.
- LCpd05 – Make the Montana Department of Revenue responsible for collecting the fee imposed by a judge pursuant to 46-8-113, MCA, for public defender services.
- LCpd06 – Establish a holistic defense pilot program in four locations around Montana. The program would be modeled on the CSKT Tribal Defenders program.

- LCpd07 – Require the Public Defender Commission to contract for a “Workload Assessment Study” of the OPD similar to the Montana District Courts Judicial Workload Assessment Study conducted by the National Center for State Courts in 2006.
- LCpd08 – Clarify statute to clearly grant the Public Defender Commission and the OPD the authority to set different contractor rates in different areas of the state.
- LCpd09 – Statutorily separate the OPD, the Appellate Defender Office, and the Conflict Office to ensure there is no conflict or consultation in budgeting between the separate offices.
- LCpd10 – Statutorily prohibit the OPD from providing legal counsel to a putative father in a dependent neglect case.
- LCpd11 – Statutorily require the Public Defender Commission to set “soft caps” for OPD and Appellate Defender Office contractor caseloads.

Each draft will be posted to the task force website as soon as it is completed.

## Comments

The task force also agreed to continue receiving comments from stakeholders regarding the OPD’s Draft Strategic Plan. Comments may be sent to Sheri Scurr by e-mail at [sscurr@mt.gov](mailto:sscurr@mt.gov), by U.S. Mail at P.O. Box 201706, Helena, MT 59620-1706, or by facsimile at 406-444-3036.

## Next Meeting

The task force will hold its last meeting of the interim on Sept. 12 at the Capitol in Helena at a time to be determined. For more information on the task force’s activities and upcoming meeting, please visit the task force’s website or contact Sheri Scurr, task force staff.

Task Force Website: [www.leg.mt.gov/tfspdo](http://www.leg.mt.gov/tfspdo)

Task Force Staff: [sscurr@mt.gov](mailto:sscurr@mt.gov) or 406-444-3596

## Next Meeting Dates

- Commission on Sentencing — Sept. 20
- Education and Local Government Interim Committee — Sept. 8
- Energy and Telecommunications Interim Committee — Sept. 8-9
- Environmental Quality Council — Sept. 14-15
- Legislative Audit Committee — Oct. 6
- Legislative Council — Nov. 15
- Legislative Finance Committee — Sept. 29-30
- Revenue and Transportation Interim Committee — Sept. 7-8
- State Administration and Veterans’ Affairs Interim Committee — Nov. 17
- Task Force on State Public Defender Operations — Sept. 12

*These dates are current as of Sept. 1, 2016. For the most up-to-date meeting dates and information, please see the individual committee websites.*

## The Back Page

### The Wettest Water

by Leanne Kurtz, Research Analyst, Montana Legislative Services Division

The art in Montana's Capitol is well documented and celebrated. Each summer, a steady stream of tourists files through the building to marvel at Charles M. Russell's masterpiece in the House of Representatives, "Lewis and Clark Meeting the Indians at Ross' Hole," and Edgar S. Paxon's dramatic depictions of the dynamic duo's adventures that frame the entrance to the chambers in the House lobby. Approaching the building, it's hard to miss the statue of a gallant Thomas Francis Meagher, who appears to be guarding the front steps, sword drawn, ready to strike down any who dare approach with ill intent or questionable motive. Amedee Joullin's "Driving the Golden Spike" greets visitors ascending the building's grand staircase, and those same visitors need only turn around to view Gareth Curtiss's statue of the dignified Mike and Maureen Mansfield, keeping watch over the third-floor balcony. Other statues and busts of such notable Montanans as Jeannette Rankin, Wilbur Fisk Sanders, Burton K. Wheeler, and Thomas Walsh adorn the hallways, and multiple paintings and murals, each masterpieces in their own right, decorate the historic building's chambers and meeting rooms.

Perhaps because the Room 317 complex, which used to house the state's law library, is often locked and is located down a hallway darkened and seldom used when the Legislature is not in session, many casual visitors to the Capitol miss the treasures hanging inside: vibrant landscapes, each providing a virtual window to some of the state's most beautiful and iconic locales. Their creator, Ralph DeCamp, was a contemporary and friend of Russell's. DeCamp's visions of Montana — a place he once loved to hate — illuminated by natural light angling in through the room's skylights, are gems well worth navigating a quiet, dark hallway to admire.

*The following story by Leanne Kurtz about the painter Ralph DeCamp and his work appeared in an ongoing series in the Helena Independent Record and in a book entitled More From the Quarries of Last Chance Gulch (1998, Helena Independent Record), which is a compilation of the newspaper columns from various authors featured in the series.*

A train wreck in Moorhead, Minnesota, was an unlikely catalyst in the career of a gifted artist who spent 50 years sharing his talents with the citizens of Montana.



*The Rosebud River*  
Ralph DeCamp





*The Gallatin*  
Ralph DeCamp

Ralph DeCamp was 27 years old in 1885 and having a difficult time selling his paintings in Fargo, North Dakota, and its neighbor to the east, Moorhead, when he witnessed a Northern Pacific train accident. His subsequent sketches for the court hearing captured the attention of Charles S. Fee, a freight and passenger agent for the railroad. Fee invited DeCamp and photographer O.E. Flaten on an excursion to Yellowstone National Park, hoping to document the park's spectacular scenery for advertising purposes. The small party made the trip with a wagon and pack horses. Deep snow thwarted their first attempt to enter the park in June, so DeCamp and Flaten took a sightseeing trip to the still-rugged mining town of Helena. It was an excruciatingly hot day as DeCamp and Flaten toured the placer mines in Dry Gulch. "I wouldn't live here if they gave me the state," DeCamp remembered telling Flaten. He later recalled, "I couldn't figure out how anybody could stand the sun's rays and the breathless air. It was terrible — but the day furnished a sketching for one of the best things I ever accomplished — a canvas that simply radiated that terrific heat."

DeCamp, Flaten, and Fee spent the rest of that summer in Yellowstone, photographing, sketching, and painting for the Northern Pacific all that this new national treasure had to offer. In January, the party returned to Helena, where unusually warm weather had melted most of the snow. "Here's a nice climate," DeCamp recalls telling Flaten, "nice and warm in the winter. I'm going to stay." The next day, the temperature plummeted to 45 degrees below zero, but DeCamp and Flaten were broke and had to spend the rest of the cold winter in Helena, eking out a living selling photographs and sketches.

DeCamp returned to Moorhead just in time to say goodbye to his mother, who died in May of 1886. Overcome with grief and still mourning his first wife, Edna, who died in 1880, DeCamp decided to return to Montana, where he had found plenty of subjects for his canvases. DeCamp was particularly enthralled with the Gates of the Mountains and spent considerable time at Nicolas Hilger's ranch on the Missouri — sketching, painting, and wooing one of Hilger's young daughters. In 1891, Ralph DeCamp and Margaret Hilger eloped, apparently causing quite the uproar at the Hilger house. DeCamp's friendliness and easy manner quickly assuaged Nicolas Hilger's apprehensions, however, and the couple moved into the family's Helena home.

At the time of their marriage, Margaret Hilger was an accomplished artist in her own right, having made music and the study of the violin her life's work. The couple's home became a gathering place for Helena's artists and musicians. Margaret gave violin lessons; and while students were waiting their turns with her, they would wander into DeCamp's studio to watch him paint. Margaret and Ralph had one son, Renan, who is the subject of one of DeCamp's most acclaimed and touching works. "Renan had always wanted a rifle," DeCamp recounted in an interview. "I bought him one. He went hunting. I followed him and I cannot forget the expression of sorrow in his face when he shot his first bird. I sketched the scene immediately from memory and reproduced it. Renan never hunted again."

During his half-century in Helena, DeCamp befriended several of Montana's artists, the most notable of whom was Charles M. Russell. The two joined a group of artists in a sketch club which held its meetings in downtown Helena. The artists all took turns hiring models, and one day Russell brought into the studio a "towering Indian in full war paint and costume." He had paid the model \$8 for his services. When DeCamp asked Russell where he had found his subject, Russell replied, "He is my roommate. I painted him up and threw on the decorations. He and I are going to eat on that \$8 next week." Russell and DeCamp became good friends, taking numerous trips into the mountains to camp and paint. They had distinctly different styles (DeCamp rarely painted humans or animals), but maintained a fond respect for each other's work. Russell used to say that DeCamp could paint sagebrush so you could smell it, and once commented, "that old boy can sure paint the wettest water. You can hear his rivers ripple." The two had talked about collaborating on a painting, with Russell inserting Indians and horses into DeCamp's landscape, but Russell died before that work could be undertaken. In 1930, after Russell's death, DeCamp restored one of his late friend's paintings, "Finding the Trail," that had been damaged by a fire in Helena's Harvey Hotel.

DeCamp's rippling rivers can be heard today in Montana's Capitol building. In 1912, DeCamp was commissioned to paint six panels for the law library, then located in the Capitol. In 1926, he painted four more. A trip to what is now Room 317 in the Capitol serves as a tour of Montana through DeCamp's eyes. Each panel is 4 feet by 8 feet, and the room's high ceilings and skylights allow in natural light

that enhances DeCamp's portrayal of scenes from all across his beloved adopted state. The paintings include: "The Bitter Root," inspired by a scene near Hamilton just after a spring shower; "Flathead Lake"; "Above Timberline," depicting a view near the northeastern corner of Yellowstone Park; "The Gallatin"; "Gates of the Mountains"; "Last Chance," showing prospectors engaged in placer mining with Mount Helena in the background; the Rosebud River near East Rosebud Lake in Carbon County; "Holter Dam"; a scene near St. Ignatius Mission on the Flathead Reservation; and, finally, "Lake McDermott," a small lake in Glacier National Park. In addition to these most visible of his works, numerous paintings and sketches bearing DeCamp's signature are scattered throughout the country.

In 1934, Margaret DeCamp died of a stroke, and Ralph left Helena to live with Renan, an electrical engineer for Westinghouse, and his wife in Chicago. Two years later, on May 27, 1936, DeCamp died and was buried in Helena's Forestvale cemetery next to Margaret.

The hundreds of Montana scenes DeCamp left behind show a profound sensitivity and love for a place many residents often take for granted. With his soft, colorful landscapes, DeCamp accomplished what even the best of photographers with high-tech equipment are hard-pressed to do: he not only captured the physical panorama before him, but poured onto the canvas his sensitivity and passion for a place he had called home for the majority of his life. He once said he wouldn't live in Montana if he was given the state. The state is grateful he changed his mind.



*Holter Dam*  
Ralph DeCamp